

Minutes of the October 26, meeting
City of Corona
815 W. Sixth Street
Corona

1. Chair Withers called the meeting to order at 9:00 a.m.

Board Members Present

Board Members Absent

John Withers, Chair
Carole Beswick, Vice-Chair
Jose Solorio
Seymour Van Gundy
Frank Williams
Fred Ameri

Staff Members Present

Kurt V. Berchtold, Assistant Executive Officer
Michael Adackapara, Supervising Water Resource Control Engineer
Joanne E. Schneider, Environmental Program Manager
Hope Smythe, Chief, Basin Planning, Inland Waters Section
Wanda K. Smith, Chief, Basin Planning, Coastal Waters Section
Mark E. Smythe, Chief, Storm Water, Coastal Waters Section
Jun Martirez, Chief, Regulations
Barbara Laffoon, Secretary

State Board Representative

Pete Silva

Legal Counsel

Jorge Leon

Public Attendance

William F. Roth, City of Colton
Karen Gaiu, City of Loma Linda
Jim Foster, San Bernardino County
Bob Ziprick, City of Loma Linda
Nick Arhontes, Orange County Sanitation District
Curtis Zavodny, Surfrider Foundation
Vana Olson, County of San Bernardino
Jim Borcuk, County of San Bernardino
Bruce Cash, United Strategies Inc.
Joseph Lee
Albert Schneider
Jack Wamsley, City of Canyon Lake
Stacey Aldstadt, City of San Bernardino
Doug Korthof
Peter Kiriakos, San Timoteo Greenway Conservancy
Mary Jane Foley, SCAP
Joe Castillo
Monica Mazur, Orange County Environmental Health
Mary Anne Skorpanich, County of Orange

2. Public Forum

Doug Korthof expressed displeasure with the granting of 301 waivers to Orange County Sanitation District (OCSD) and felt it was a violation of the 1972 Clean Water Act. He further stated that it was inappropriate to permit OCSD to perform self-monitoring and also believed there were problems with the level of the reporting following the monitoring procedures.

3. Approval of Minutes of September 26, 2001 meeting

There being no additions or corrections, the minutes of the regular board meeting held on September 26, 2001, were approved as presented.

4. Approval of Consent Calendar Items

Chair Withers noted that items No. 5 and 6 would be removed from the consent calendar to permit public comments. Item No. 7, Amend Waste Discharge Requirements for the City of Upland, Upland Hills Wastewater Reclamation Plant, San Bernardino County (Order No. 01-100) remained on the consent calendar.

Action: It was moved by Member Beswick, seconded by Member Van Gundy, and unanimously carried to remove Items No. 5 and 6 from the consent calendar and to approve Order No. 01-100 as presented.

5. New Waste Discharge Requirements for the San Timoteo Creek Reach 3B Flood Control Project, San Bernardino County (Order No. 01-75)

Assistant Executive Officer (AEO) Kurt Berchtold introduced the item noting that there was also an errata to the order.

Peter Kiriakos, San Timoteo Greenway Conservancy, was concerned that mitigations seemed to go to *Arundo* removal instead of land purchases and with the damage that bull dozers and other equipment would do to the habitat.

Environmental Program Manager (EPM) Joanne Schneider addressed his concerns and noted that the errata spoke to them, as well.

San Bernardino County Supervisor Hansberger also wanted to emphasize that concerns have been adequately addressed. He felt the Board should approve the item.

Action: It was moved by Member Williams, seconded by Member Beswick, and unanimously carried to adopt Order No. 01-75 with errata.

6. Revised Waste Discharge Requirements and a National Pollutant Discharge Elimination System Permit (NPDES No. CA8000304) for the Colton/San Bernardino Regional Treatment and Water Reclamation Authority (Order No. 01-45)

AEO Berchtold presented the Staff's recommendation that Order No. 01-45 with errata be adopted as presented.

Stacey Aldstadt, Deputy General Manager of the San Bernardino Municipal Water District, spoke on behalf of the San Bernardino/Colton Joint Powers Authority, and noted that they and Board Staff had "agreed to disagree" with portions of the permit. She stated the authority's concern "for the record."

EPM Schneider addressed those statements.

Board Member Williams questioned if there were violations of the Basin Plan t and what costs would be incurred by the permittee.

Action: It was moved by Member Beswick, seconded by Member Solorio, and unanimously carried to adopt Order No. 01-45 with errata, as presented.

8. Toxics Total Maximum Daily Loads (TMDLs) for the San Diego Creek/Newport Bay Watershed

Environmental Scientist Doug Shibberu discussed diazinon and chlorpyrifos in San Diego Creek and Upper Newport Bay. He noted that diazinon is widely used in controlling pests. Residential accounts for 55% and structural use 41% in the Orange County area. There is evidence of persistent aquatic life toxicity. The proposed numeric targets are based on California Department of Fish and Game (CDFG) recommendations based on implementation of U.S. EPA guidelines for protection of aquatic organisms. The entire watershed contributes to pesticide runoff problems. Load allocations are based on concentration rather than mass. Over 90% of the usage is to be eliminated by 2006 in phases.

Water Resources Control Engineer (WRCE) Lance Lin presented the draft selenium TMDL, levels of concern, water quality standards and numeric targets. Non-point, point sources, and the formula for determining TMDLs were discussed. The TMDL compliance schedule was also presented.

9. Update of the Clean Water Act Section 303(d) List of Impaired Water Bodies

Information on this item is contained in a verbatim transcript.

Pavlova Vitale, Environmental Scientist, presented an update of the Clean Water Act (CWA) Section 303(d) "List of Impaired Water Bodies." Included in her presentation was an explanation of the 303(d) List, the update process and schedule, proposed additions and deletions, and those water bodies needing additional data.

Members of the public addressing the item were Garry Brown, Orange County Coastkeeper, Mary Jane Foley representing the Southern California Alliance of POTWs, and Monica Mazur of the Orange County Health Care Agency.

10. Update on Beach Closures

Ken Theisen, Sanitary Engineering Associate, presented an update that included a discussion of the number of beach closures, beach postings, and the various causes. He noted that the major causes of beach closures are sewage spills, not general runoff, and cited grease and roots as major problems. Mr. Theisen discussed some of the self-monitoring procedures currently in use by Orange County Sanitation District (OCSD). Board staff proposes to take steps to minimize beach closures by developing general waste discharge requirements for replacing, repairing, and maintenance of sewer systems.

Doug Korthof took issue with the monitoring of the areas and the plume by OCSD and said the District had never done a dye study nor actually plotted their plume. This raised questions in his mind regarding the integrity of their monitoring. Board Member Williams asked if Mr. Korthof was questioning if those performing the monitoring were "doctoring" the reports.

Curtis Zavodny of the Huntington Beach/Seal Beach Surfrider Foundation, stated that they did not support any waiver held by the Sanitation District and said the plume gets much closer than OCSD admits.

11. Canyon Lake Nutrients Total Maximum Daily Loads (TMDLs), Problem Statement

Due to Board Member time constraints, this item was postponed.

12. Mandatory Penalties Complaint (MPC), Yucaipa Valley Water District, Henry N. Wochholz Wastewater Treatment Plant (NPDES No. CA0105619) No. 01-96

This item was postponed.

13. Administrative Civil Liability Complaint (ACLC), Master Development Corporation No. 01-81

This item was postponed.

14. Administrative Civil Liability Complaint (ACLC), Kaufman and Broad of Southern California No. 01-84

AEO Berchtold advised the Board that the discharger had waived its right to a hearing, the ACL had been paid and no further action was required by the Board. Board Member Williams inquired about the amount of the payment and was advised that it was \$12,000.

15. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement – Albert Schneider, 7620 Marilyn Drive, Corona, Riverside County (APN 277-171-006).

Jun Martirez, Chief of the Regulations Section, presented the background regarding minimum lot size requirements, offset options, and the appeal of staff denial by Albert Schneider. Mr. Schneider explained that former tenants had installed a second septic tank on his property with neither his knowledge nor approval. Two of the buildings on the property cannot be used without approval of the second septic tank.

The Board suggested that Mr. Schneider pursue the offset process and directed Board staff to provide him with whatever information and assistance they deemed possible.

Action: It was moved by Member Beswick, seconded by Member Van Gundy, and unanimously carried to uphold Staff's denial of the exemption.

16. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement - Joseph Lee, 450 Whipporwill Drive, Highgrove, Riverside County.

Mr. Martirez noted that the same criteria applied to Mr. Lee's appeal that had been presented for the previous appeal. Mr. Lee requested that the Board allow an exemption so that he might add a bathroom in his shop area. Mr. Lee's lot size is .49 acre.

The Board suggested that Mr. Schneider pursue the offset process and directed Board staff to provide him with whatever information and assistance they deemed possible.

Action: It was moved by Member Solorio, seconded by Member Beswick, and unanimously carried to uphold Staff's denial of the exemption.

17. Big Bear Waste Discharge Prohibition, Shay Road Properties

This item was postponed.

18. Hazardous Waste and Sewage Spill Incident Report

Staff provided the Board with a list of incidents occurring since those reported at the September 26, 2001, Board meeting.

19. Underground Storage Tanks Site Closure Report

Staff provided the Board with a list of the underground storage tanks site closures since those reported at the April 19, 2001, Board meeting.

20. Underground Storage Tanks Corrective Action Plans

Staff provided the Board with a list of the corrective action plans for underground storage tanks since those reported at the April 19, 2001, Board meeting.

21. Quarterly Violations Report

A list of violations was provided to the Board, as required by the State Water Resources Control Board's Water Quality Enforcement Policy.

22. Appointment of a Committee to Nominate Regional Board Officers for 2002

Chair Withers appointed Members Solorio and Ameri to serve as a Committee to Nominate Regional Board Officers for 2002.

Action: It was moved by Member Beswick, seconded by Member Solorio, and unanimously carried that Members Solorio and Ameri serve as the 2002 Nominating Committee.

23. Board Meeting Dates and Locations for 2002

AEO Berchtold requested that the Board determine if the dates presented were satisfactory and notify staff of any conflicts. Adoption of meeting dates and locations is scheduled for the December 7, 2001, Board meeting.

Member Solorio inquired why Corona was not included in 2002 because of its excellent location. Mr. Berchtold expressed staff's concern for the lack of space for the public. Ms. Schneider commented that it was also uncomfortable seating for the public during lengthy public hearings.

24. Executive Officer's Report

The Executive Officer's report was accepted.

25. Regional Board Member Communications

Chair Withers presented departing Member Williams with a Resolution of Appreciation and extended thanks on behalf of Board and staff for his service the past year.

Mr. Williams thanked the Board and staff and expressed his pleasure at having been a part of the Regional Board.

26. Closed Session

No closed session was required.

27. Adjournment

The Board was adjourned at 12:52 p.m. to the regular meeting of December 7, 2001, at 9:00 a.m., at the City Council Chambers of Loma Linda.

Respectfully submitted:

/s/

GERARD J. THIBEAULT
Executive Officer

/bjl